

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVELLOUS A.:X (GREENE)

Plaintiff,

No. CIV S-05-0330 GEB JFM P

vs.

C.D.C., et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

By an order filed March 9, 2005 plaintiff was ordered to file a completed in forma pauperis affidavit and a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint within thirty days and was cautioned that failure to do so would result in a recommendation that this action be dismissed. The thirty day period has now expired, and plaintiff has neither filed an in forma pauperis affidavit and a copy of his prison trust account statement nor otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that  
3 failure to file objections within the specified time may waive the right to appeal the District  
4 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: April 22, 2005.

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8 UNITED STATES MAGISTRATE JUDGE

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